

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



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|----------------------|---|----------------------------------|
| In re: |) | HPA Docket No. 13-0250 |
| |) | |
| James Wayne Dean dba |) | |
| Wayne Dean Stables |) | |
| |) | |
| and |) | |
| |) | |
| Kasey Kesselring |) | |
| |) | Consent Decision |
| Respondents |) | and Order as to Kasey Kesselring |

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. §1821 et seq.) (Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Kasey Kesselring admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Kasey Kesselring is an individual whose mailing address is 17127 9th Street, Montverde, Florida 34756. At all times mentioned herein Respondent Kasey Kesselring was the owner of the horse known as "He's Our Duramax".

2. On or about August 29, 2009, Respondent Kasey Kesselring entered for the purpose of showing or exhibiting the horse known as "He's Our Duramax", entry number 846 in class number 76, at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

3. On or about September 4, 2009, Respondent Kasey Kesselring entered the horse known as "He's Our Duramax", as entry number 846 in class number 156 for the purpose of showing or exhibiting the horse at the 71st Annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee.

Conclusions

Respondent Kasey Kesselring having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent Kasey Kesselring is disqualified for thirteen months, from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing, or otherwise participating in any horse show, horse exhibition, or horse sale or auction. "Participating" means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of

horses to or from equine events, personally giving instructions to exhibitors, being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events.

2. The initial seven months of the disqualification period shall begin December 1, 2013. The final six months of the thirteen month disqualification period shall be held in abeyance provided that the respondent shall not violate any provisions of this order or any provisions of the Act for a period of three years from the date of service of this order on respondent. If respondent fails to comply with any of the terms of this consent decision or engages in any future violations of the Act, the portion of the disqualification held in abeyance shall be effective from the date respondent is provided notice of the failure to comply with the terms of the Consent Decision or the violation of the Act. Jurisdiction is retained for the limited purpose of enforcement of this paragraph. This Consent Decision, however, will not limit the penalties for any future violations of the Act.


3. Respondent Kasey Kesselring is assessed a civil penalty of two thousand and five hundred dollars (\$2,500.00).

This order shall have the same effect as if entered after a full hearing and shall become effective upon issuance.

Copies of this decision shall be served upon the parties.


KASEY KESSELRING
Respondent


S. RENEE STEPHENS LUNDY
Attorney for Respondent


DARLENE M. BOLINGER
Attorney for Complainant

Done at Washington, D.C.
this 24 day of January, 2014


JILL S. CLIFTON
Administrative Law Judge